

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05

PC-01 OMB-01 SY-05 SCCT-01 EB-07 COME-00 TRSE-00 /077 W

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R 181310Z AUG 76

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4421

C O N F I D E N T I A L CARACAS 9978

EO 11652 GDS

TAGS: PINS ASEC PINT VE

SUBJ: NIEHOUS KIDNAPPING: STATUS OF DEPUTIES' CASE

REF: CARACAS 9744, CARACAS 9811, CARACAS 9835, CARACAS 9863

1. IT IS EVIDENT THAT THE PARLIAMENTARY "CRISIS" GENERATED BY THE EXECUTIVE'S HEAVY-HANDED ATTEMPT TO AVOID CONSTITUTIONAL PROCESSES IN PROSECUTING THE TWO DEPUTIES FOR COMPLICITY WITH THE NIEHOUS KIDNAPPING HAS DIED DOWN. FROM A HIGH POINT WHEN THE COPEI PARLIAMENTARIANS WALKED OUT OF THE CONGRESS ON AUG 10, THERE FOLLOWED IN SEQUENCE REASSURING AND SOOTHING STATEMENTS BY FORMER PRESIDENT CALDERA AFTER A MEETING THE FOLLOWING DAY WITH PRESIDENT PEREZ, THE REQUEST BY THE SUPREME COURT TO THE MILITARY TRIBUNAL FOR A REVIEW OF THE CASE BY THE FORMER, AND THE CONTINUATION OF THE LEGAL PROCESS AGAINST THE FOUR DISIP AGENTS CHARGED WITH THE MURDER OF SOCIALIST LEAGUE SECRETARY-GENERAL JORGE RODRIGUEZ. THE DECIBLE LEVEL OF THE CONGRESS HAS MODERATED CONSIDERABLY, THE PRESS HAS REVERTED TO LONG-WINDED COMMENTARY ON THE LEGAL POINTS OF THE CONTROVERSY, AND THE PARTIES ARE PROCEEDING WITH BUSINESS AS USUAL.

2. THE PRESIDENT OF THE CONGRESS, DR OSVALDO ALVAREZ PAZ (COPEI) GAVE THE AMBASSADOR AN INKLING OF THE APPARENT SCENARIO FOR THE NEXT FEW DAYS. MARTIN PEREZ GUEVARRA, CONFIDENTIAL

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PRESIDENT OF THE SUPREME COURT, ANNOUNCED YESTERDAY THAT

THE COURT WOULD TAKE " ALL THE TIME NECESSARY TO ARRIVE
AT A SERENE AND JUST DECISION." ALVAREZ PAZ POINTED
OU THAT THE CONGRESS WILL ADJOURN ON FRIDAY. THIS
WOULD LEAVE THE STANDING COMMITTEE OF THE CONGRESS WITH
ALL APPROPRIATE LEGAL AUTHORITY TO CARRY ON ORDINARY
LEGISLATIVE BUSINESS EXCEPT FOR ENACTING LEGISLATION.
THUS, IF THE SUPREME COURT DECISION IS DELAYED BEYOND
AUG 20, WHICH SEEMS LIKELY, AND THE SUPREME COURT
REFERS THE MATTER OF LIFTING THE PARLIAMENTARY IMMUNITY
OF THE DEPUTIES TO THE CONGRESS, WHICH ALSO SEEMS LIKELY,
THE ISSUE WILL BE DEBATED IN A VERY REDUCED FORUM. THIS
WOULD OBVIATE THE NEED FOR A FULL-BLOWN POLITICAL DEBATE
IN THE CHAMBER OF DEPUTIES WITH THE ATTENDANT POLITICAL
SPARKS SUCH A DEBATE WOULD PRODUCE IN A SUPERCHARGED
ATMOSPHERE. WE SURMISE THAT IF THIS IS INDEED A CONSCIOUS
SCENARIO IT WAS PROBABLY WORKED OUT BETWEEN CALDERA AND PEREZ
LAST WEEK AND ENJOYS THE BACKING OF COPEI.
VAKY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: KIDNAPPING, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976CARACA09978
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760316-1287
From: CARACAS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760844/aaaabloe.tel
Line Count: 79
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 CARACAS 9744, 76 CARACAS 9811, 76 CARACAS 9835, 76 CARACAS 9863
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 21 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 JUL 2004 by ElyME>; APPROVED <21 JUL 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NIEHOUS KIDNAPPING: STATUS OF DEPUTIES' CASE
TAGS: PINS, ASEC, PINT, VE, (NIEHOUS, WILLIAM F), (HERRERA, FORTUNADO), (MEZA, SALON)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006